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## CHILD LABOR LEGISLATION AND METHODS OF ENFORCEMENT IN THE WESTERN STATES

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The child labor evil has never afflicted the West as it has the East and the South. Of course I speak rather of the great mountain states. It would not do, however, to console ourselves with the assumption that the grandeur of our mountains has so completely imbued the hearts of our people with high ideals that we are free from that taint in commercialism which so often advances "business interests" at the expense of sacred childhood. In those cases where these selfish interests might be advanced by drafts upon the strength and life of little children we have found human greed very much the same as it is in the East and South. The mines and the smelters call almost entirely for the strength of men rather than that of children. The labor unions as much as laws have kept our children from industrial slavery. The opportunities of the cotton mill and the ordinary factory in the great industrial centres of the East for enlisting the services of the child offer greater temptations than those of the smelter and the mine. If we may credit the frightful conditions in the coal mines of Pennsylvania as to child labor, I am sure we have no such sins as theirs to answer for. And while we do not pretend superiority above our brothers of the East and South in resisting encroachments upon the childhood of the nation, we may without any spirit of boasting feel proud of our laws for the protection of children. Both as to laws and the evils to be remedied by these laws the great West is far in advance of the South, compares favorably with the states of the East and Middle West, and Colorado claims the proud distinction of being twin sister to Illinois in acknowledging superiority to no state in advanced child labor laws as well as other laws for the protection of her children. We look upon

Kansas as the most benighted of the Western states, and as being most backward in keeping step in the march of progress, led by her western neighbor, the State of Colorado, but Kansas is waking up, and I promise you that if Kansas concedes to the women of that state the right of suffrage as it has existed among the women of the State of Colorado, it will be impossible for it to lag behind the procession.

Under the age of sixteen years no child may be employed in any mine or other dangerous occupation in the State of Colorado, and under the age of fourteen years no child may be employed in any mine in the States of Idaho, North Dakota, Oregon, Utah, Washington and Wyoming.

Again, the Western states have been blessed with liberal school funds, largely obtained by the reservation for that purpose of millions of their acres, which, with less knotty and difficult problems than our less fortunate sisters of the South, have made compulsory education in the West a simple problem to embody in effective laws rigidly enforced. The great West, therefore, in comparing its more fortunate condition with that of the South, may do so with satisfaction, but without exultation. On the contrary, our more fortunate social and industrial condition reminds us that the South especially is in need of our consideration and sympathy in its less fortunate state, and this, I wish to assure you, is our attitude of mind toward this section of our beloved country.

I might give an instance of our own experience in Denver within the last three or four years as showing that human selfishness is very much the same in every part of our country when "business interests" conflict with the children's interest. Some fifteen years ago, in the very shadow of the Rocky Mountains, there was built a great cotton mill. It was a rather peculiar thing in our industrial development that cotton mills should be built away out there, but New England people who initiated the enterprise could see the cotton fields of Texas a great deal closer to their back doors than were those of Georgia or South Carolina to the mills of Massachusetts. This was before the sudden and rapid change of the last few years when the cotton mills began to spring up in the fields of the Southern states. This transformation had not been taken into account. But when it came competition became fiercer, and the cotton mills of Colorado, to compete with those of South Carolina,

must forsooth move some of South Carolina's social conditions to the foot hills of Colorado. Agents were employed whose business it was to import into Colorado dozens of families from the poorer classes of Alabama and the Carolinas, and with them, of course, came the children; in fact, they were the inducement for this sort of emigration; the more children the surer the contract with the wily agent to live within sight of Pike's Peak and the snow-capped Rockies. And thus it came to pass a few years ago that you could journey by trolley car from Denver to the cotton mills in which, once enclosed, you might well imagine you had been transported two thousand miles into one of the Southern states. There were the boys and girls, ten, eleven and twelve years of age, working in violation of the laws of the state in order that "prosperity" might still flourish amidst these whirring spindles in the West. Those who protested were denounced, by those who believed in "prosperity," as mischief makers for the destruction of a great industry. Should a successful enterprise of ten years' standing be permitted to fail when all that was necessary was a duplication as far as possible of conditions which it was said accounted for its success in other sections? Of course, my friends, we accounted this as all "bluff." I think Miss Addams and Mrs. Florence Kelley have shown by the example of Illinois, especially in the glass industries, that this argument about child labor being necessary for the success of any industrial enterprise is without foundation. The reserve strength of the nation for to-morrow is with these children of to-day. No one living has more eloquently exemplified this truth than these two great champions of the children of this nation, and whatever the fact may have been when the men at the head of this institution said they could not compete with the South unless they could work under the conditions that obtained in the South, our people said that argument was a purely commercial one at best, and, to tell you frankly, we believed a fallacious one, since if those mills could not survive we were certain the real cause was not to be found in the sacrifice of the children, but in economic conditions for which surely the children were not responsible. In any event, we said: "You have no industrial enterprise of benefit to our people if it is to be at the sacrifice of the bodies and souls of little children, and the fact that those children are the children of South Carolina or Alabama does not alter the case—they are just as dear to us as the children of

our own state, and Colorado will protect them if it means that Colorado must smash your mill," and so we said: "You take those children out of the mills, and whether you shut down or continue to run is a matter of secondary importance." And they took the children out and the mills went to smash, and while most of us have serious doubts if it could be attributed to "the poor little kids," at the same time we were prepared to concede that and all it cost if it meant the redemption of little children from industrial slavery. We put the child above the dollar. They are our greatest wealth. Not all the gold and silver in the depths of our great mountains are half so valuable as these little ones, and that was the reason that the president of the mill, the foreman and the superintendent were prosecuted in the courts and suffered the extreme penalty of the law.

And yet, my friends, property rights are neither depreciated or disrespected by high regard for human rights. On the contrary, just in proportion as we strengthen and administer to the rights of body and soul do we pile up the real material wealth of the nation. It pays now, but it pays even more in the to-morrow. The highest duty of the state is to its children. Just so far as we protect them and make them the object of our solicitude, just so far are we going to increase the power, strength and wealth of the state. It is only the short-sighted and the selfish and those who live for to-day, thinking not of the to-morrow, who refuse to see or acknowledge this truth. The future of our country depends a great deal more upon the kind of children we are rearing to-day, how well their little bodies are shaped and their morals directed than upon how much business we have or how much gold is yielded.

The child labor laws in most of the Western states are generally well enforced. The enforcement of the law we all realize is just as important as the law itself, and in many states having a child labor law this question presents an even more serious difficulty than that of no law at all. In fact many states which have no law or an inadequate law may have more excuse to reproach those boasting of the law upon the statute books, but which give it the lie by non-enforcement.

In Colorado we have a compulsory education law keeping every child in school until his sixteenth year unless he has completed the eighth grade of the grammar school. Our schools are in session throughout the state from September to June. The child labor law

forbids employment in factories, mines, mills or occupation dangerous to health where the child is under fourteen years of age, and not over eight hours under sixteen years of age, or at all if the employment be dangerous to health. Between the ages of fourteen and sixteen, if the school law has been complied with, the child may be employed for over eight hours in an occupation that is not dangerous to health. This question must first be determined by the juvenile courts, which correspond to the county courts and exist in each county in the state. Proper application may be made to the court when the case is heard and permission granted upon conditions satisfactory to the court and in the interest of the child. This provision has tended to make the law, we think, more practical and satisfactory than it might be were no exceptions permitted. Especially is this true where the age limit is sixteen as with us. I would not recommend it if the age limit was either twelve or fourteen. All the children's laws of Colorado are enforced in one court. These laws comprise generally those relating to compulsory education, child labor, juvenile dependency, juvenile delinquency and the laws holding parents and others responsible for the dependency and delinquency of children. We believe that this method offers a system of effectiveness in law enforcement which could not otherwise be well obtained. The Woman's Club of Denver, always keen, alert, interested and active in behalf of the children of our city, under the leadership of our distinguished citizen and member of the National Child Labor Committee, Mrs. Sarah Platt Decker, instituted an elaborate investigation during the past year with reference to child labor in Denver especially, and reported it most satisfactory from every standpoint. Their report in full was sent to Miss Addams, of Hull House, and by her, I am told, pronounced most satisfactory. I think Miss Addams has pointed out on several occasions the fallacy and weakness of many of the old stock arguments we hear from some of our conservative business men in favor of child labor. With swelling pride they often tell us of their labor at the age of twelve and thirteen and pointing to their own example of success in life, they feel they have demolished the whole argument against even child slavery. The conditions under which they labored and lived are so different from those which the average city child is compelled to endure that we really find very few such cases of any value to the arguments for child labor. Their conditions were so

favorable they rather strengthen our plea for more industrial education. The success of an exceptional case under hard conditions has been, not because of such conditions, but in spite of them. I firmly believe in work even in childhood. By this, I mean the right kind of work. It is not so much a question of work as the amount of work, the kind of work and the conditions under which that work is performed. This need not lessen our belief in happiness in childhood. I want to say very candidly, that there are a great number of children in this country from fourteen years of age upward about whom I feel more alarmed at their failure to do or to know how to do any kind of useful work than of any possibility of their being overworked.

In our zeal for the protection of children subjected to extreme or unnatural conditions, we must not lose sight of the dangers and difficulties of idleness. There are thousands of boys in the cities of this country who, if not employed at some useful thing, are generally on the streets or in the alleys in the downtown public pool rooms and bowling alleys, engaged not always in wholesome play, but too often in idling, cigarette smoking and dirty story telling, with absolutely no thought of work or the serious side of life. They are too constantly occupied with thoughts of "having a good time," and some rather perverted notions of what a good time is. Too many of our boys especially reach the age of moral and legal responsibility without the slightest conception of work. They are too often more concerned as to how much they earn than how well they do their work. In dealing with a certain class of youth in the juvenile court, I say without hesitation that the most hopeless fellow in the world is the boy who will not work—the boy who has not learned how to work, or the value and importance of work. There is always hope for the boy who works, especially the boy who likes to work. I believe in the "strenuous life," and I think its importance should be taught our boys and girls at an early age. There are too many young people in this country looking for "the life of ignoble ease." I can say all of this to persons sincerely interested in the protection of the children from degradation or unnatural labor, and yet not be understood as depreciating the importance of wise child labor laws and their rigid enforcement for the protection of the children of the Union. But we must be careful in doing this, never to underestimate the importance of work,—the right kind of work, a certain

amount of work,—in the life of every child, and especially that teaching which inculcates good impressions in the life of every child as to the necessity and importance of labor. On the other hand, my experience is that most boys will work if given any kind of an encouraging opportunity. The lack of a chance is often responsible for idleness. Ninety-six per cent. of our boys and girls are forced out of the grammar school to fight the battles of life. They must have a chance to earn a living under such reasonably favorable conditions as not to destroy all chance of happiness or else they must become idlers and loafers. My own experience is that our common school education too often fails to equip them for earning more than the most scanty wages. An opportunity between the sixth and eighth grades in our city schools for children of the toiling masses to learn some kind of useful trade or valuable work with the hands—to learn to do what their fathers do—is a reform in our educational system which the champions of child labor must, in my opinion, espouse if they would round out a systematic and consistent plan of battle in this fight for the salvation of the children. I want to see the time come in this country when a boy of fourteen years of age up may be a valuable help to the plumber, the carpenter or the printer at a decent wage, instead of going to the messenger service and the street. I do not believe that juvenile labor should trespass upon the legitimate occupations of men and women, but we must equip these children for some kind of industrial efficiency and usefulness, or enlarge our reformatories and prisons for their care and maintenance. One of the saddest things in my experience as judge of the juvenile court has been the little fellows who have requested me to send them to the reform school in order that they might learn a trade. The principal of a school once said to me: "Judge, why don't you send that boy to the reform school so that he can learn a trade?" On behalf of the boy, I replied: "In God's name, why don't you people on the Board of Education give him an opportunity to learn a trade at home?" I ask you, is it fair, just or decent that in most of the cities of this country an American boy has no opportunity to learn a trade, to capacitate himself for joyous, useful work with his hands, unless he commits a crime? And yet, I am compelled to say to you, that such is the condition in this country.

I see wonderful changes just ahead of us in our educational system that are bound to come if we are to make progress. Our

good friend and honored secretary of the National Child Labor Committee, Dr. Samuel M. Lindsay, distinguished himself in his work as superintendent of education in the Island of Porto Rico. I note that one of the causes of his success, it seems to me, was an innovation in teaching those children of our island possessions to do what their fathers did, and thus under favorable conditions capacitating them to become useful and efficient citizens of to-morrow.

And in the great West, my friends, we are agitating and striving more and more, not only to save the children from the wrong kind of work at the wrong time and under wrong conditions, but at the same time to prepare them for the right kind of work at the right time and under right conditions that the citizens of to-morrow may work for and be worthy of the highest ideals of the republic.